



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Protestor: Pro-Pharmaceuticals, Inc.)
Protest of: Serial No. 10/657,383)
Filing Date: September 8, 2003)
Examiner: L.C. Maier)
Art Unit: 1623)
Attny Docket No.: 13192-36)

Assistant Commissioner for Patents
ATTENTION: Director of Biotechnology &
Organic Chemistry
Washington, D.C. 20231

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NOT ENTERED
(1) UNTIMELY
(2) EXPLANATORY MATERIAL
NOT APPROVED
William R. Dixon, Jr.
10/15/05

WILLIAM R. DIXON, JR.
SPECIAL PROGRAM EXAMINER

PROTEST UNDER 37 CFR 1.291(a)

Sir:

Pursuant to 37 CFR §1.291(a), Protestor files this protest against the above-identified U.S. patent application ('383, appended hereto - see Tab A). It should be pointed out that the patent application claims priority to a provisional application which serves as the priority document of issued US Patent No. 6,680,306, which is currently undergoing reexamination. (U.S. Pat. No. 6,680,306 ('306) is appended hereto - see Tab B.) The control number for this reexamination is 95/000,074.

This protest document utilizes the '306 Request for Reexamination as a template for demonstrating the invalidity of claims pending as of the publication of the offending patent application. The use of the '306 Request document also demonstrates the similarity, if not complete identity, existing between the claims of the '306 patent as well as the claims pending in this application (at least as of its publication).

A Certificate of Service is provided herein.